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Alfred A. Equitz
GIRARD & EQUITZ LLP
Suite 1110
400 Montgomery Street
San Francisco, CA 94104

EXAMINER	
LIN, SHEW FEN	
ART UNIT	PAPER NUMBER
2166	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/810,407	NEVIN, ROCKY HARRY W.	
	Examiner	Art Unit	
	SHEW-FEN LIN	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *41-44,49-66 and 76-78* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *41-44,49-66 and 76-78* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/12/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

a. This action is taken to response to amendments and remarks filed on 12/12/2007.

b. Claims 41-44, 49-66, and 76-78 are pending in this Office Action. Claims 41, 43, 49, 58, 60, 62, 63, 66, and 76 are independent claims.

c. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn.

Information Disclosure Statement

The Information Disclosure Statement(s) received on December 12, 2007 is in compliance with provisions of 37 CFR 1.97. Accordingly, the Information Disclosure Statement(s) are being considered by the examiner.

Terminal Disclaimer

The terminal disclaimers filed on December 12, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,714,936 have been reviewed and are pending for approval. Before approval, the double patenting rejection is maintained.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection

is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 41, 43, 58, and 66 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim1 of U.S. Patent No. **6,714,936**. The following table shows the claims in Instant Application that are rejected by corresponding claim(s) in U.S. Patent No. **6,714,936**.

Claims Comparison Table		
	Instant Application	**U.S. Patent No. 6,714,936**
Claim #	41	1
Claim #	43	1
Claim #	58	1
Claim #	66	1

Although the conflicting claims are not identical, they are not patentably distinct from each other because they are substantially similar in scope and they use the same limitations.

In Addition, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to omit the additional elements in U.S. Patent No. **6,714,936** to arrive at the claims 41, 43, 58, and 66 of Instant Application because the person would have realized that the remaining element would perform the same functions as before. "Omission of element and its function in combination is obvious expedient if the remaining elements perform same functions as before." See *In re Karlson* (CCPA) 136 USPQ 184, decide Jan 16, 1963, Appl. No. 6857, U.S. Court of Customs and Patent Appeals.

Claim Objections

Claims 49 and 57 are objected to because of the following informalities:

Regarding claims 49 and 57, the phrase "amenable to" renders the claim(s) indefinite because making an option to perform a functionally but not actually having the software programmed (i.e. configured to) to provide that functionality **exclusively** as supported by the specification. As to basis for the claim objections, please refer to 35 U.S.C. 112, second paragraph, as claimed subject matter is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Appropriate correction is required.

Claim Rejections – 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 41, 58, and 63 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 41, 58 and 63, the claims describe a method for creating a connected network of nodes. The claimed inventions, as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." See *State Street, 149 F.3d at 1373, 47 USPQ2s at 1601-02, and MPEP 2106*. In this case the result is simply displaying a sea of nodes when one of the nodes is designated. The claimed limitations are an abstraction as they are not useful, concrete, and tangible they are not put in any tangible form and not useful because they are not presented in such a way as to produce and/or provide some result that is of utility that may exist in the specification however no specific use is provided for in the claimed invention. Thus the claims are non-statutory and stand rejected under 101 as not **producing a "useful, concrete and tangible** result.". Noted is the structured captured data can be displayed and viewed is not the same as "be displayed and viewed" for realizing a "useful, concrete and tangible result.".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 41-44, 60-61, and 66 are rejected under 35 U.S.C. 102(e) as anticipated by Roberge et al. (U.S. 6,154,750, hereinafter "Roberge").

As to claim 41, Roberge teaches a method for creating a highly connected network of nodes indicative of computer-readable data (Fig. 4), including the steps of:

capturing data contained in at least one legacy database (Fig. 4 and col. 4, lines 1-11 where database records are retrieved and displayed in hierarchical tree structure); and

structuring the captured data as a set of linked nodes, wherein each of the nodes includes at least one link to another one of the nodes, and the set of linked nodes is structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displayed as a sea of node representations, viewed from said point of view (Fig. 4 and col. 4, lines 1-11 where database records are retrieved and displayed in hierarchical tree structure, Figs. 7, 8 and col. 6, lines 18-24, where a new set of nodes is displayed for the selected node).

As to claim 42, Roberge teaches the method of claim 41, wherein the nodes have identical structure but at least some of the nodes have different content (Fig. 4 and col. 3, line 66 to col. 4, line 1, database structure and content).

As to claim 43, Roberge teaches a method for creating a highly connected network of nodes indicative of computer-readable data (Fig. 4), including the steps of :

capturing data contained in at least one legacy database (Fig. 4 and col. 4, lines 1-11 where database records are retrieved and displayed in hierarchical tree structure);

structuring the captured data as a set of linked nodes, wherein each of the nodes includes at least one link to another one of the nodes, and the set of linked nodes is structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displayed as a sea of node representations (Fig. 4 and col. 4, lines 1-11 where database records are retrieved and displayed in hierarchical tree structure, Figs. 7, 8 and col. 6, lines 18-24, where a new set of nodes is displayed for the selected node);

designating one of the nodes as the point of view (Fig. 4, 42, select a node of interest); and

displaying said representations of the nodes as said sea of node representations, viewed from said point of view (Fig. 4, 42, 44, set of nodes is displayed based on the selected node).

As to claim 44, Roberge teaches the method of claim 43, wherein said sea of node representations includes virtual reality renderings (col. 2, lines 36-45, col. 3, lines 36-40 where user interact with nodes).

As to claim 60, Roberge teaches a method for associating linked nodes, wherein each of the nodes contains computer-readable data, at least one link to another one of the nodes, and a link identification for each event which links said each of the nodes to another one of the nodes, and wherein the linked nodes are structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displayed as a sea of node representations (Fig. 4, Fig. 5, 51, Figs. 6a/6b, 62, 610, and col. 4, lines 1-11 where database records are retrieved and displayed in hierarchical tree structure, Figs. 7, 8 and col. 6, lines 18-24, where a new set of nodes is displayed for the selected node) said method including the steps of:

storing, in a context node, a meaningful context common to a set of the nodes, wherein the context node is linked to each of the nodes in the set (Fig. 4, Symptoms, Tests, Fig. 8, 81-83); and

sharing a single link identification among the nodes in said set, thereby associating the nodes that are identified by said single link identification (Fig. 5, col. 5, lines 26-29, Figs. 6a/b, 63, 69).

As to claim 61, Roberge teaches the method of claim 60, also including the step of modulating a connection strength of the links that are identified by said single link identification, thereby sensitizing or desensitizing said links to further operations (Figs. 4, 6, col. 5, line 42 to col. 6, line 6, node identifier is used to add/delete link).

Claim 66 recites similar limitations as discussed in claim 41 above and is therefore rejected along the same rationale. Furthermore, Roberge disclose hierarchical file directory structures that display the names of the files in a selected directory along with the path to file selection (col. 2, lines 29-33).

Claims 49-57 are rejected under 35 U.S.C. 102(b) as anticipated by Cox et al. (U.S. 5.751.931, hereinafter "Cox").

As to claim 49, Cox teaches a method for interactively exploring, accessing, and visualizing information in a highly connected network of nodes (abstract, where information is displayed as nodes and arcs connecting nodes and allowing users to interactively manipulate the clipping surface as well as the three dimensional display characteristics of the nodes and links), said method including the steps of:

determining a set of linked nodes, each of the nodes including at least one link to another one of the nodes, wherein the nodes are indicative of computer-readable data, the set of linked nodes is structured such that representations of the nodes can be displayed as a sea of node representations (Figs. 10A/B/C, 21, col. 8, lines 18-31); and

designating one of the nodes as a point of view, linking a number of the nodes directly to the point of view, and calculating individual link distances from each of at least some of the nodes to the point of view, thereby determining a hierarchical network of the nodes which is amenable to visualization (col. 5, lines 15-17, col. 9, lines 23-32, weighted link distance, col. 12, lines 52-59, col. 14, lines 53-59).

As to claim 50, Cox teaches the method of claim 49, wherein there are cyclic loops in linkages between at least some of the nodes directly and the point of view (Figs. 8, 21).

As to claim 51, Cox teaches the method of claim 49, also including the step of:

adding or deleting at least one link of at least one of the nodes, thereby changing the hierarchical network (col. 14, lines 53-59).

As to claim 52, Cox teaches the method of claim 49, also including the step of:

displaying representations of the nodes as a sea of node representations, viewed from said point of view (Fig. 8, col. 12, lines 53-55).

As to claim 53, Cox teaches the method of claim 49, wherein the hierarchical network of the nodes determines a connection strength of each of a set of linkages between at least some of the nodes, and a magnitude of each of at least some of the nodes, and wherein position and size of each of the nodes in said visualization is determined in accordance with each said connection strength and magnitude (col. 1, lines 44-51, col. 2, lines 47-52, encode some data attribute related to the link represented by that arc, or the data attribute of the node, col. 8, lines 57-65, where color and size of the node encodes the attributes of the data).

As to claim 54, Cox teaches the method of claim 49, wherein said sea of node representations includes virtual reality renderings (col. 11, lines 49-53, where interactive controls that allow the user to modify).

As to claim 55, Cox teaches the method of claim 49, wherein each of the nodes has a node type, each of said link distances is determined by a function of the number of links between a pair of the nodes and the node type of each node of said pair, and the hierarchical network has a hierarchical tree structure (col. 5, lines 15-17, col. 10, lines 35-44, col. 11, lines 22-26).

As to claim 56, Cox teaches the method of claim 49, also including the step of:

implementing a user interface which displays representations of at least some of the nodes, wherein the user interface allows emulation of application programs by linking appropriate ones of the nodes (Figs. 8-12, col. 4, lines 5-8).

As to claim 57, Cox teaches the method of claim 49, also including the step of: implementing a user interface which displays representations of at least some of the nodes, wherein the user interface implements a simple command and query syntax which is amenable to a voice interface (Figs. 8-12, col. 4, lines 5-8, col. 8, lines 38-39, display command, col. 14,lines 53-59).

Claims 58-59 are rejected under 35 U.S.C. 102(b) as anticipated by Bowers et al. (U.S. 5,546,529, hereinafter "Bowers").

As to claim 58, Bowers teaches a method, including the steps of:

structuring computer-readable data as a set of linked nodes, wherein each of the nodes includes at least one link to another one of the nodes (Figs. 2a/2b. 5, col. 4, lines 4-9, where hierarchically related information is often represented as a tree and the node refers to a point on the tree structure), each of the nodes has a name associated therewith (Fig. 5, 501-503), and the set of linked nodes is structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displayed as a sea of node representations, viewed from said point of view (Fig. 6, 605, 607, col. 1, lines 41-45, col. 8, lines 14-37, select a desired node and the tree view is rotated to bring the node into the center of the center panel); and

maintaining information specific to each of the nodes (col. 7, lines 9-10), including by maintaining the name of each of the nodes such that each said name is searchable and retrievable (Fig. 6, 601-604, 609, col. 7, lines 11-17, col. 8, lines 38-42).

As to claim 59, Bowers teaches the method of claim 58, wherein the information specific to each of the nodes[[,]] includes a magnitude and connection strength of a link between said each of the nodes and at least one other one of the nodes (Fig. 8, col. 7, lines 23-27, col. 8, line 64 to col. 9, line 10).

Claim 62 is rejected under 35 U.S.C. 102(b) as anticipated by Simonetti (U.S. 5,295,261).

As to claim 62, Simonetti teaches a method of establishing a set of linked nodes from data organized in rows and columns with column headings (Figs. 2-6. col. 8, lines 13-26), wherein each of the nodes includes at least one link to another one of the nodes (Fig. 2C, abstract, where data is stored in a topological map which may be viewed as a tree structure), the nodes are indicative of computer-readable data, and the set of linked nodes is structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displayed as a sea of node representations, viewed from said point of view (Figs. 3A/B/C), said method including the steps of:

representing each of the column headings by an abstract node (Fig. 2C, col. 8, lines 15-20);

representing each cell of the data by a data node (Fig. 2C, 54, lines 19-20);

establishing links between each said abstract node and each said data node that corresponds to a cell in a column whose column heading is represented by said abstract node (Fig. 2C, col. 8, lines 13-26); and

establishing links between each said data node that corresponds to a cell in one of the rows (Fig. 2C, col. 8, lines 33-35).

Claims 63-65 and 76-78 are rejected under 35 U.S.C. 102(e) as anticipated by Inoue et al. (U.S. 6,336,123, hereinafter "Inoue").

As to claim 63, Inoue teaches a method of establishing a set of linked nodes from files linked by HTML references, wherein each of the nodes includes at least one link to another one

of the nodes (abstract, col. 1, lines 26-34), the nodes are indicative of computer-readable data, and the set of linked nodes is structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displayed as a sea of node representations (Figs. 22, 24, col. 14, lines 51-53), said method including the steps of:

establishing data nodes, each of the data nodes representing each of the files (col. 1, line 38, where each node is a HTML page);

establishing links from said data nodes to terms found in the files (Fig. 1, col. 1, lines 63-67 where terms is anchor text).

As to claim 64, Inoue teaches the method of claim 63, wherein each of the terms is one of a set of selected the values such as meta-tags or heading values (headline, Fig. 12, col. 5, lines 39-50, col. 13, lines 62-65).

As to claim 65, Inoue teaches the method of claim 63, also including the step of: establishing links to abstract nodes representing suffixes of the files (Fig. 19, col. 16, line 63 to col. 17, line 7).

As to claim 76, Inoue teaches a method of displaying node representations indicative of a network of linked nodes, wherein each of the nodes includes data and at least one link to another one of the nodes (Figs. 7, 8, abstract, col. 1, lines 26-34), and the set of linked nodes is structured such that when one of the nodes is designated as a point of view, representations of the nodes can

be displayed as a sea of node representations (Figs. 22, 24, col. 14, lines 51-53), said method including the steps of:

designating one of the nodes as the point of view (Figs. 13, 15, col. 14, lines 51-53, where a child node is selected); and

displaying said representations of the nodes as said sea of node representations, viewed from said point of view (Fig. 22, col. 18, lines 18-41, where linked node is displayed), with visual emphasis assigned to each of the node representations dependent on parameters of each of the nodes, said parameters including connection strength of a link between said each of the nodes and at least one other one of the nodes (Figs. 13, 15, col. 13, lines 34-61, where function buttons show the linking relationship).

As to claim 77, Inoue teaches the method of claim 76, wherein said parameters also include polarization of the link between said each of the nodes and at least one other one of the nodes (Fig. 10, col. 12, lines 59-64, where directional arrow show linking relationship).

As to claim 78, Inoue teaches the method of claim 76, wherein said parameters also include the minimum number of links between said each of the nodes and at least one other one of the nodes (col. 14, lines 4-35).

Response to Amendment and Remarks

Applicant's remarks and arguments have been fully considered, however, they are not deemed persuasive for the reasons set forth below.

In view of amendment, the Examiner hereby withdraws objections to claims 52 and 64 as necessitated by amendment made to claim 64 and Applicant's persuasive argument made on claim 52. However, objections to claims 49 and 57 are respectfully maintained and a statutory base has been cited in the objections, per Applicant's request.

On pages 10-11, regarding to 35 U.S.C. 101 Rejection, the Examiner respectfully maintains the rejections to claims 41 and 58, and includes claim 63, under the same grounds as previously set forth. As per claims 41, 58 and 63, the claims describe a subject matter of creating a linked network of nodes, comprising steps for capturing data and structuring the captured. In the structuring step, a set of linked node is structured such that **when** one of the nodes is designated as a point of view, representations of the nodes **can be** displayed. Please note there are no definite steps provided in the methods for designating a node as a point of view, nor for establishing the representations. Therefore, the methods do not realize or reach the stage that the captured is structured whose representations have been established for display. It is thus concluded that the claims are lack of utility and do not produce or present significant functionality to satisfy useful result aspect of a practical application by merely structuring a captured data.

On pages 11-12, concerning Claims 41-44, 60-61, and 66, Applicant argued that Roberge "fails to teach or suggest a method for creating a network of nodes (indicative of computer-readable data) including the step of structuring data as (or establishing) a set of (or associating) linked nodes, where the linked nodes are structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displaced as a sea of node representations, viewed from said point of view (as recited in claim 41, 60 or 66) or the steps of

structuring data as a set of linked nodes (where the set of linked nodes is structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displayed as a sea of node representations), designating one of the nodes as the point of view, and displaying said representations of the nodes as said sea of node representations viewed from said point of view (as recited in claim 43).

Roberge teaches a database structured as a hierarchy of nodes, as shown in Roberge's Fig. 1, and teaches that representations of nodes ("buttons") can be displayed as shown in Figs. 7-15. However, there is no teaching or suggestion in Roberge to designate one of a set of linked nodes as a point of view, or that representations of the nodes in the set can or should be displayed as a sea of node representations viewed from the point of view (as recited in claims 41, 43, 60, and 66).

Roberge also fails to teach (e.g., with reference to Fig. 4 as cited by the Examiner or elsewhere) display of nodes (e.g., a "sea" of nodes) as viewed from one of the nodes that has been designated as a point of view. Even assuming for the sake of argument that an element of Roberge's Fig. 4 is a node that has been designated as a point of view, Roberge neither teaches nor suggests that representations of nodes can or should be displayed as a sea of node representations viewed from such point of view. Elements 42 and 44 of Roberge's Fig. 4 are simply echocardigraphic reports which appear to be arranged side-by-side in a plane. Even if the elements of Roberge's Fig. 4 and 7-15 are considered for the sake of argument to be representations of nodes, such elements are not displayed from the point of view of any of the elements (i.e., from the point of view of any node).

All claims that depend directly or indirectly from claim 41, 43, 60, or 66 are patentable over Roberge for the above-discussed reasons that independent claims 41, 43, 60, or 66 are patentable over Roberge".

The Examiner respectfully disagrees.

In response to the above arguments, Examiner respectfully submits that Roberge does squarely teach "structuring data as (or establishing) a set of (or associating) linked nodes, where the linked nodes are structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displaced as a sea of node representations, viewed from said point of view" (See Figs. 4, 7, 8, col. 4, lines 1-11 and col. 6, lines 18-24 where nodes starting from a root node Cardiac are hierarchical structured such that when the node Cardiac is designated as a point of view showing a patient's Cardiac symptoms, tests, labs and medications in the top sub-tree level and the sub-trees are displayed as a sea of representations and are viewed from the Cardiac node). Please note all elements of the quoted limitation are squarely mapped to Roberge reference as cited.

Applicant further argued that the "elements are not displayed from the point of view of any of the elements (i.e., from the point of view of any node)". The Examiner respectfully submits that the claim language does not seem describe "elements are displayed from the point of any of the elements". It is noted the claim language describes "when one of the nodes is designated as point of view, representations of the nodes can be displayed as a sea of node representations" and Examiner respectfully submits that when any node is designated and all its sub-trees are a sea of representations as any nodes such as Cardiac, symptoms, tests, labs and

medications can be selected as designated.

On pages 12-14, concerning 102 rejections to Claims 49-57 by Cox, Applicant argued that the claims as hereby amended are patentable over Cox and further argued that "Claim 49 as amended, is a method for interactively exploring, accessing, and visualizing information in a highly connected network of nodes, that recites steps of designating one of the nodes (of a set of linked nodes) as a point of view, linking a number of the nodes directly to the point of view, and calculating individual link distances from each of at least some of the nodes to the point of view, thereby determining a hierarchical network of the nodes which is amenable to visualization. As explained on page 10 of the specification of the present application (in the "Definitions" section), the expression "link distance" is used in the present application to denote the minimum number of links between two nodes of a set of linked nodes.

Cox discloses a method for displaying "three dimensional" and other representations of data (e.g., geographical data) on the screen of a computer monitor. For example, Cox discloses displaying a two dimensional map (which represents the earth surface) with paths between points on the map, as in Cox's Figs. 10A, 10B, 10C, and 21. However, there is no teaching or suggestion determinable from Cox to designate a node (of a set of linked nodes) as a point of view, or to calculate individual link distances (i.e., minimum number of links between two nodes of the set) from each of at least some of the nodes to the point of view (as recited in claim 49).

The Supplemental Information Disclosure Statement filed herewith lists U.S. Patent 5,596,703 ("Eick") which issued based on US Application No. 08/141,885. US Application No. 08/141,885 is cited in Cox at col. 9, lines 23- 29.

Neither Cox (at col. 5, lines 15-17, col. 8, lines 18-31, col. 9, lines 23- 32, col. 12, lines 52-59, col. 14, lines 53-59, or with reference to Fig. 10A, 10B, 10C, or 21 as cited by the Examiner, or elsewhere) nor Eick teaches calculation of individual link distances from each of at least some of the nodes (of a set of linked nodes) to one of the nodes that has been designated as a point of view. Cox mentions a "weighted link distance" for a first node (representing a telephone number) that is displayed with other nodes representing foreign countries. However, Cox's "weighted link distance" is not a link distance (i.e., minimum number of links between Cox's first node and any of Cox's other nodes) as recited in claim 49 and is not calculated by calculating link distances of the type recited in claim 49. Rather, Cox's "weighted link distance" is apparently determined as follows: (a) an arbitrary trial location is determined for displaying Cox's first node; (b) a distance is determined between the location of the first node and the location of each displayed node of each foreign country containing another telephone called by the telephone associated with the first node (the "first" telephone), (c) a weighted sum of such distances is determined (by assigning a weight indicative of the number of calls made by the first telephone to each country); (d) a different trial location is chosen for displaying Cox's first node and steps (b) and (c) are repeated for this new location; and (e) the trial location (for displaying Cox's first node) having the smallest weighted sum is chosen as the best location for displaying Cox's first node. Cox's method does not determine the number (or minimum number) of links between any pair of Cox's nodes. Rather, Cox apparently assumes that there is one and only one link between Cox's first node and each node to be displayed with a determined distance relative to Cox's first node, where such single link indicates that at least one international call has been

made from a telephone associated with the first node to a telephone associated with the other node.

All claims that depend directly or indirectly from claim 49 are patentable over Cox for the above-discussed reasons that independent claim 49 is patentable over Cox".

The Examiner respectfully disagrees.

In response to the above arguments, Examiner respectfully submits that Cox does teach "determinable a set of linked nodes" "to designate a node (of a set of linked nodes) as a point of view, or to calculate individual link distances from each of at least some of the nodes to the point of view", as Examiner previously cited Figs. 10A/B/C, 21, col. 8, lines 18-31, for rejecting the respective limitation, it is further noted the objects are arranged in parent-child trees and displayed as the determinable linked nodes represented by the linked objects are computer readable and window displayable data in which the root node GLOBAL VIEWER OBJECT as designated the point of view, as evidences depicted on Fig. 3 and described in col.5, lines 13-37. Concerning link distance, Cox further teaches links established between switches and calculated statistics of the links based on various time attributes and Eick further teaches count of links in a linked list (See col. 9, lines 19-32).

On pages 14-15, concerning 102 rejections to Claims 58-59 by Bowers, Applicant argued that the claims as hereby amended are patentable over Cox and further argued that "Claim 58 recites a method including a step of structuring computer- readable data as a set of linked nodes. The set of linked nodes is structured such that when one of the nodes is designated as a point of

view, representations of the nodes can be displayed as a sea of node representations, viewed from said point of view.

Bowers teaches displaying node representations ("NRs") with a tree structure as shown in Bowers' Figs. 2a and 2b. The Fig. 2b display differs from that of Fig. 2a in that the Fig. 2b display is distorted by projecting the Fig. 2a NRs on rectangular panel 204 and trapezoidal panels 205 and 206. Thus, the Fig. 2b display appears as if some NRs are displayed on a center "front" panel 204 and others are displayed on panels 205 and 206 which are folded back from the front panel. The NRs are displayed in columns with a "top level" NR in the leftmost column (displayed in center panel 204), the next level (below the top level) NRs in the next column to the right, and so on. Unless only a single NR is displayed, two or more NRs are always displayed in center panel 204. At col. 8, lines 32-38, Bowers teaches scrolling NRs across panels 204-206 to bring a selected NR (and each other NR displayed in the same row as the selected NR) into the center panel (e.g., panel 204 of Fig. 2b).

Even if one assumes for the sake of argument that selection of one of Bowers' nodes (as taught at Bowers' col. 8, lines 20-37) amounts to designation of the node as a point of view, Bowers fails to teach or suggest (including with reference to Figs. 2a, 2b, and 6, or at col. 8, lines 14-42, cited in the Office Action) structuring data as a set of linked nodes such that that when one of the nodes (e.g., the document node of col. 8, lines 32-37) is designated as a point of view, representations of the nodes can be displayed as a sea of NRs viewed from the point of view. Rather, Bowers teaches display of the same set of NRs when any of the nodes represented by any of the NRs in the center panel of the display has been selected. The center panel of each such display includes at least one NR that is not viewed from the point of view of the selected node.

Thus, claim 58 and claim 59 which depends therefrom are patentable over Bowers".

The Examiner respectfully disagrees.

In response to the above arguments, Examiner respectfully submits that, concerning "structuring data as a set of linked nodes such that that when one of the nodes (e.g., the document node of col. 8, lines 32-37) is designated as a point of view, representations of the nodes can be displayed as a sea of NRs viewed from the point of view", The Examiner respectfully submits and specifically recognizes that Bowers renders a visualizations of a tree structure in which nodes are linked as each node is selectable as a top level node having its tree structure being designated as a point of view and noted is the node is selectable and is obtained a planar address and the combined teaches name representations of the nodes (See Fig. 4, col. 6, lines 2-22 and 48-50, and col. 3, line 60 – col. 4, line 9)

On pages 15-16, concerning 102 rejections to Claim 62 as being anticipated by Simonetti, Applicant argued that "Claim 62 recites a method including a step of structuring computer-readable data as a set of linked nodes, wherein the set of linked nodes is structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displayed as a sea of node representations, viewed from said point of view.

Simonetti teaches a database and teaches that representations of nodes can be displayed with a tree structure as shown in Figs. 2C and 3A. However, there is no teaching or suggestion in Simonetti to designate one of the nodes as a point of view, or that representations of the nodes can or should be displayed as a sea of node representations viewed from the point of view (as recited in claim 62).

Simonetti also fails to teach (e.g., with reference to Figs. 3A, 3B, and 3C as cited by the Examiner, or elsewhere) display of nodes (e.g., a "sea" of nodes) as viewed from one of the nodes that has been designated as a point of view. Even assuming for the sake of argument that an element of Simonetti's Fig. 3A (or 2A or 3C) is a node that has been designated as a point of view, Simonetti neither teaches nor suggests that representations of nodes can or should be displayed as a sea of node representations viewed from such point of view. Nodes 51-54 of Simonetti's Fig. 3A (or 2C or 3C) appear to be arranged side-by-side in a plane. Even if the elements of Simonetti's Figs. 2C, 3A, and 3C are considered to be representations of nodes, such elements are not displayed from the point of view of any of the elements (i.e., from the point of view of any node)".

The Examiner respectfully disagrees.

In response to Applicant's alleged Simonetti's failure for teaching "designate one of the nodes as a point of view, or that representations of the nodes can or should be displayed as a sea of node representations viewed from the point of view" or "display of nodes (e.g., a "sea" of nodes) as viewed from one of the nodes that has been designated as a point of view", the Examiner respectfully submits that in addition to the sections cited in the rejections, at col. 4, lines 15-24 Simonetti teaches a tree structure of multiple levels in which the top level is designated a point of view of a country for displaying nodes country, state, county and city which are linked by links of country to state, state to county and county to city. It is further noted that at col. 4, lines 6-14 and col. 2, lines 40-57, Simonetti teaches a tree structure of multiple levels of linked nodes being stored in a hierarchical or tree database in which the database object of country is the designated and already established point of view for objects of country, states,

counties and cities as records of the objects stored in a database where pointers are created for pointing to the records in the database.

On pages 16-17, concerning 102 rejections to Claims 63-65 and 76-78 as being anticipated by Inoue, Applicant argued that "Each of claims 63 and 76 recites a method including a step of structuring computer-readable data as a set of linked nodes, wherein the set of linked nodes is structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displayed as a sea of node representations, viewed from said point of view.

Inoue teaches a database and teaches that representations of nodes can be displayed with a tree structure as shown in Figs. 22 and 24. However, there is no teaching or suggestion in Inoue to designate any one of the nodes as a point of view, or that representations of the nodes can or should be displayed as a sea of node representations viewed from the point of view (as recited in claim 63 or 76).

Inoue also fails to teach (e.g., with reference to Figs. 22 and 24 as cited by the Examiner, or elsewhere) display of nodes (e.g., a "sea" of nodes) as viewed from one of the nodes that has been designated as a point of view. Even assuming for the sake of argument that an element of Inoue's Fig. 22 or 24 is a node that has been designated as a point of view, Inoue neither teaches nor suggests that representations of nodes can or should be displayed as a sea of node representations viewed from such point of view. The nodes of Inoue's Figs. 22 and 24 appear to be arranged side-by-side in a plane. Even if the elements of Inoue's Figs. 22 and 24 are

considered to be representations of nodes, such elements are not displayed from the point of view of any of the elements (i.e., from the point of view of any node).

Thus claims 63 and 76 and all claims that depend directly or indirectly therefrom are patentable over Inoue**".**

The Examiner respectfully disagrees.

With respect to Applicant's alleged Inoue failure for teaching "designate any one of the nodes as a point of view, or that representations of the nodes can or should be displayed as a sea of node representations viewed from the point of view", Examiner respectfully submits that, as described in the action, Inoue teaches that a child node selected is the node designated for the point of view of the sub-tree whose nodes are referred to by reference (See col. 14, lines 50-53) and the nodes are linked in according to connection information of a hyper-text document and furthermore, as shown in Fig. 22 and col. 18, lines 18-41 where the point of view HOME PAGE is displayed as a tree connecting NEWLY-ARRIVED INFORMATION, SERVICE GUIDE AND WORK SYSTEM OUTLINE, a set of representations which are viewed from the HOME PAGE.

For the above reasons, it is believed that the rejections should be sustained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shew-Fen Lin /S. L./
Examiner, Art Unit 2166
July 1, 2008

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166